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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 DONALD RICHARD MCFADDEN,

Case No. 2:20-cv-00374-GMN-BNW

10 Petitioner,

ORDER

11 v.

12 BRIAN WILLIAMS, SR., et al.,

13 Respondents.

14 Petitioner Donald Richard McFadden has submitted a *pro se* petition for writ of  
15 habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF No. 1-1). However, petitioner has  
16 failed to submit an application to proceed *in forma pauperis* or pay the filing fee.  
17 Accordingly, this matter has not been properly commenced. 28 U.S.C. § 1915(a)(2) and  
18 Local Rule LSR1-2.

19 It is also unclear from the papers presented whether a dismissal without  
20 prejudice could materially affect a later analysis of any timeliness issue with regard to a  
21 new federal action. Therefore, McFadden has 30 days from the date of this order to  
22 either pay the \$5.00 filing fee or submit a completed application to proceed *in forma*  
23 *pauperis* on the proper form with both an inmate account statement for the past six  
24 months and a properly executed financial certificate. Failure to do so may result in the  
25 dismissal of this action without prejudice.

26 **IT IS THEREFORE ORDERED** that within **30 days** of the date of this order  
27 petitioner shall submit either the \$5.00 filing fee or a fully completed application to  
28 proceed *in forma pauperis*.

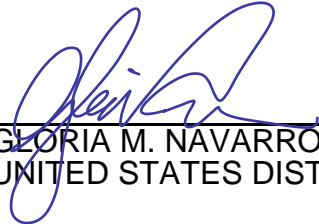
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**IT IS FURTHER ORDERED** that failure to do so may result in the dismissal of this action without prejudice.

**IT IS FURTHER ORDERED** that the Clerk shall send to petitioner two copies of the application to proceed *in forma pauperis* for a prisoner and the instructions for the form.

**IT IS FURTHER ORDERED** that the Clerk shall retain the petition but not file it at this time.

DATED: 13 April 2020.

  
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GLORIA M. NAVARRO  
UNITED STATES DISTRICT JUDGE